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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,519

11/28/2001

Mark R. Thompson

019396-001900US

5020

7590

06/15/2006

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,519	THOMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul H. Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 9, 13, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Val et al., US Pat. Application No. 2005/0198364 A1.

3. As to claims 1, 5, 9, 13, 15 and 18, Val teaches a method for playing a streamed content object using HTTP transport (§§0012-0014), the method comprising steps of:

receiving a first portion of the streamed content object using HTTP transport (§§0052-0053);

detecting user input corresponding to playback control of the streamed content object (control requests are received by the server; §§0052-0053); and

receiving a second portion of the streamed content object that is, at least partially, in response to the detecting step, wherein the second portion is not contiguous in the streamed content object to the first portion (based on the control request, data delivery is modified. User

Art Unit: 2141

requests the second portion which is not contiguous to the first portion by, for instance, using the fast forward feature to identify the location in the data stream to resume playback; ¶¶0052-0053).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, 10-12, 14, 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Val, in view of Lango et al., US Pat. No. 6,742,082 B1.

5. As to claim 3, Val teaches the invention substantially as claimed. However, Val does not explicitly teach the method and product further comprising a step of waiting for a key frame in the second portion before playing the second portion.

In the same field of endeavor, Lango teaches an HTTP enabled data streaming wherein a key frame in the second portion is received before playing the second portion (Lango, col. 13, lines 19-58).

6. As to claims 2, 4, 10, 11, 12, 16 and 17, Val-Lango teach the method and product wherein the first portion is played adjacent in time to the second portion without any playback in-between or overlapping in time or a non-contiguous point (e.g. Play, fast-forward, rewind;

Art Unit: 2141

Val, ¶¶0052-0053 and Lango, col. 13, lines 19-58).

7. As to claims 6, 14 and 19, Val-Lango teach the method and product further comprising a step of determining a byte range for the second portion (Lango, col. 12, line 50 – col. 13, line 58).

8. As to claim 7, Val-Lango teach the method and product further comprising a step of determining a location of the second portion in the streamed content object (Lango, col. 12, line 50 – col. 13, line 58).

9. As to claim 8, Val-Lango teach the method and product further comprising steps of requesting the first portion from a remote server, and requesting the second portion from the remote server (Val, ¶¶0052-0053 and Lango, col. 12, line 50 – col. 13, line 58).

### ***Response to Arguments***

10. Applicant's arguments filed March 14, 2006 have been fully considered but they are not persuasive. The applicants argued in substance that the prior art of record “does not disclose, either expressly or inherently, receiving a first portion of a streamed content object and receiving a second portion of the streamed content object, wherein the second portion is not contiguous in the streamed content object to the first portion. Rather, the control request of Val, e.g., play, fast forward, etc., suggest that a first portion and second portion of the stream provided in accordance with Val should [be] contiguous to affect playback.” See Remarks, page 7, lines 9-14.

The examiner respectfully disagrees. Val teaches a system and method for transmitting and receiving streamed digital media data from a server to a client. Val discloses that while a user is viewing a particular media data, the user may control the viewing to stop, play, rewind, fast forward, pause or unpause the streaming data. When the user initiates a control request, such as a Fast-Forward command, a request is transmitted to a server. The server then transmits the appropriate data to the client. The user can control the location of the data stream in which to resume playback.

Applicants argument that Val's disclosure of using fast-forward suggests that a first and second portion of the stream provided is contiguous to affect playback is not persuasive. Data received during playback (first portion) and data received during playback after fast-forwarding (second portion) are not contiguous. The two portions are separated by data received and displayed during the fast-forward.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

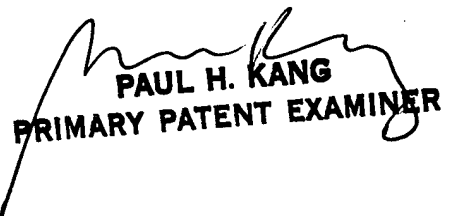
Art Unit: 2141

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PAUL H. KANG  
PRIMARY PATENT EXAMINER